

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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L'TOINE C. THOMPSON,

Plaintiff,

v.

TYLER M. KIDD,

Defendant.

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24-CV-693 (JLS) (LGF)

### **DECISION AND ORDER**

Plaintiff commenced this action on July 24, 2024 asserting claims against Defendant based on injuries Plaintiff allegedly sustained as a result of a motor vehicle accident that occurred on September 1, 2021. Dkt. 1. The case has been referred to United States Magistrate Leslie G. Foschio for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 5.

Defendant moved to dismiss. Dkt. 4. Plaintiff opposed the motion, Dkt. 8, and Defendant replied. Dkt. 10. On January 24, 2025, Judge Foschio issued a combined Report and Recommendation and Decision and Order ("R&R") recommending that this Court grant Defendant's [4] motion. *See* Dkt. 12 at 15.<sup>1</sup> Neither party filed objections, and the time to do so has expired.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's

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<sup>1</sup> He also denied a request by Plaintiff for jurisdictional discovery. *See id.*

recommendation to which a party objects. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R and the relevant record. Based on that review, the Court accepts Judge Foschio's recommendation. As such, Defendant's [4] motion to dismiss is GRANTED. The Clerk of Court shall close this case.

SO ORDERED.

Dated: February 13, 2025  
Buffalo, New York

A handwritten signature in black ink, reading "John L. Sinatra, Jr." in a cursive script.

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JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE